



DT07 Rec'd PCT/PTO 29 NOV 2004

PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:) Docket No.: 4121-169
Applicant: PETZELT, Christian) Examiner: Not yet assigned
Application No.: 10/501,098) Art Unit: Not yet assigned
Date Filed: July 7, 2004) Conf. No.: Not yet assigned
Title: CYTOTOXIC CYPLASIN OF THE SEA HARE, APLYSIA PUNCTATA, cDNA CLONING AND EXPRESSION OF BIOREACTIVE RECOMBINANTS) Customer No.: <div style="border: 1px solid black; padding: 5px; text-align: center;">23488</div>

FIRST CLASS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, and First Class Mailed under the provisions of 37 CFR 1.8.



Kate Tuner

November 24, 2004

Date of Mailing

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).
- b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).
- c. Attached is our check no. _____ in the amount of \$_____ in payment of the fee under 37 C.F.R. §1.17(p). Please credit or debit Deposit Account No. _____ as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$180.00 in payment of the petition fee under 37 C.F.R. §1.17(i)(1). Please credit or debit Deposit Account No. _____ as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).
- b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).

Respectfully submitted,



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**INFORMATION
DISCLOSURE STATEMENT
BY APPLICANT**

Sheet 1 of 1

<i>COMPLETE IF KNOWN</i>	
Application Number	10/501,098
Filing Date	July 7, 2004
First Named Inventor	PETZELT, Christian
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	4121-169

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	AA	PETZELT, C.P. "Aplysia punctata, mRNA for cyplasin L (ek431 gene)" Database accession no. AJ304802, XP002240886, cited in application	
	AB	PETZELT, et al., "Cyplasin kills preferentially autonomous cycling cells", Cell Biology International, Academic Press, GB, vol. 25, no. 2, 2001, page A23, XP001002719, ISSN: 1065-6995, abstract	
	AC	SUZUKI, et al., "Lethal effect of the expression of a killer gene SMK1 in <i>Saccharomyces cerevisiae</i> ", Protein Engineering, England Feb 2000, vol. 13 no.2 pp. 73-76, XP002240884, ISSN: 0269-2139, page 74, left-hand column, paragraph 3	
	AD	PETZELT, et al., "Cyplasin Cyplasin of the Sea Hare, <i>Aplysia punctata</i> , cDNA Cloning, and Expression of Bioreactive Recombinants in Insect Cells", Neoplasia (New York), vol. 4, No. 1, January 2002 pp. 4-59, XP002240885, ISSN: 1522-8002, the whole document	

Examiner signature	Date Considered
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*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

² Applicant is to place a check mark here if English Translation is attached. All the foreign patents and publications that are not written in English language are accompanied by their respective English abstracts, which constitute concise explanation of relevance of the non-English patents and publications that satisfy the requirements of 37 C.F.R. §1.98(a)(3)(i), according to MPEP 609 III A(3).